

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CASE NO.5-08-bk-51934

JOSEPH M. PINTO and LISA A.
MANCHAK,

Debtors.

CHAPTER 13

JOSEPH M. PINTO and LISA A.
MANCHAK,

Plaintiffs

vs.

VERIZON PENNSYLVANIA, INC. AND
AFNI, INC.

ADVERSARY NO. _____

Defendant

**COMPLAINT TO RECOVER DAMAGES FOR VIOLATION
OF THE AUTOMATIC STAY**

AND NOW COMES the Plaintiffs/Debtors, Joseph M. Pinto and Lisa A. Manchak, by and through their attorney, Tullio DeLuca, Esquire, and makes this Complaint to Recover Damages for Violation of the Automatic Stay and, in support thereof, avers as follows:

1. Debtor filed her chapter 13 voluntary petition on July 11, 2008.
2. On or about August 28, 2008, Verizon was served by First Class Mail with the Notice of 341 Meeting of Creditors. A copy of the Certificate of Mailing of 341 Meeting Notice is attached hereto and made a part hereof, and marked as Exhibit "A".
3. On or about August 26, 2008, AFNI, Inc., was electronically served with the Notice of 341 Meeting of Creditors. A copy of the Certificate of Mailing of 341 Meeting Notice is attached hereto and made a part hereof, and marked as Exhibit "A".
4. Subsequent to being notified of the filing of the Chapter 13 bankruptcy, on February 10, 2009, an invoice was forwarded by AFNI, Inc., by First Class Mail, requesting payment for pre-petition debt. Said invoice is attached hereto, and marked as Exhibit "B."

5. Verizon hired AFNI, Inc. to collect on the pre-petition debt. Verizon had AFNI, Inc. continue to pursue collection efforts on the pre-petition debt after being notified of the Bankruptcy filing.

6. Based on the foregoing facts and the Exhibits attached hereto and made a part hereof, Verizon and AFNI Inc.'s, conduct is in violation of the automatic stay, 11 U.S.C. Section 362.

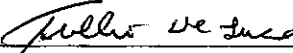
WHEREFORE, Debtors, Joseph M. Pinto and Lisa A. Manchak, by , requests the following relief:

1. An order adjudging Verizon of Pennsylvania and AFNI, Inc. in civil contempt for violation of the automatic stay provisions of Section 362 of the Bankruptcy Code.

2. An order awarding debtor damages, including punitive damages for Verizon of Pennsylvania and AFNI, Inc.'s continued and repeated violations of the automatic stay, along with costs and attorney's fees incurred as a result of the violations of the automatic stay by Verizon of Pennsylvania and AFNI, Inc.

3. Such other and further relief as the court may deem appropriate.

Respectfully submitted,



Tullio DeLuca, Esquire
Attorney I.D. 59887
Attorney for Debtors
381 North 9th Street,
Scranton, Pennsylvania 18504
570-347-7764

Dated this 17th day of February 2009.

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA

Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines

The debtor(s) listed below filed a Chapter 13 bankruptcy case on 7/11/08. You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office or electronically through "PACER" (Public Access to Court Electronic Records). **NOTE:** The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Joseph M. Pinto
aka Joseph Pinto, aka Joseph Michael Pinto
118 4th Street
Blakely, PA 18447

Lisa A. Manchak
aka Lisa Ann Manchak, aka Lisa Manchak, aka
Lisa Ann Pinto, aka Lisa A. Pinto, aka Lisa Pinto
118 4th Street
Blakely, PA 18447

Case Number:
5:08-bk-51934-JJT

Social Security No./Last 4 digits or Taxpayer ID Nos.:
xxx-xx-3839
xxx-xx-6387

Attorney for Debtor(s) (name and address):
Tullio DeLuca
381 N. 9th Street
Scranton, PA 18504
Telephone number: 570 347-7764

Bankruptcy Trustee (name and address):
Charles J. DeHart, III (Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Telephone number: 717 566-6097

Meeting of Creditors:

All individual debtors must provide picture identification and proof of social security at the meeting of creditors.

Date: **September 22, 2008**

Time: **12:00 PM**

Location: **Genetti Hotel, 77 East Market Street, Wilkes-Barre, PA**

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to File a Proof of Claim PROOF OF CLAIM FORM IS INCLUDED.

All creditors who file proof of claim MUST serve a true copy of said claim upon the Chapter 13 Case Trustee.

For all creditors (except a governmental unit): **12/21/08**

For a governmental unit (except as otherwise provided in Fed. R. Bankr. P. 3002(c)(1)):
180 DAYS FROM THE ORDER GRANTING RELIEF

CREDITORS WITH A FOREIGN ADDRESS

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Deadline to file a Complaint to Determine Dischargeability of Certain Debts: 11/21/08

Filing of Proposed Plan, Objections to the Plan:

A copy of the proposed plan (or summary) is included. Any objections filed to the plan that are not settled prior to the confirmation hearing will be heard at the confirmation hearing. If no objections are filed, the court may enter an order confirming the plan. **You will receive separate notice of the confirmation hearing and deadline for objections to confirmation of the plan.**

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:
U.S. Bankruptcy Court
274 Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701
Telephone number: 570-826-6450

For the Court:

Clerk of the Bankruptcy Court

Hours Open: Monday - Friday 8:00 AM - 5:00 PM

Date: 8/26/08

Bankruptcy Noticing Center
2525 Network Place, 3rd Floor
Herndon, Virginia 20171-3514

CERTIFICATE OF SERVICE

District/off: 0314-5
Case: 08-51934

User: PHartman
Form ID: B9I

Page 1 of 2
Total Served: 41

Date Rcvd: Aug 26, 2008

The following entities were served by first class mail on Aug 28, 2008.

db +Joseph M. Pinto, 118 4th Street, Blakely, PA 18447-1019
jdb +Lisa A. Manchak, 118 4th Street, Blakely, PA 18447-1019
aty +Tullio DeLuca, 381 N. 9th Street, Scranton, PA 18504-2005
3062387 +Bonded Collection Corp., 29 E. Madison St., Ste. 1650, Chicago, IL 60602-4435
3062389 +Capital Management Services, 726 Exchange St., Suite 700, Buffalo, NY 14210-1464
3062391 +Central Credit Services, Inc., P.O. Box 15118, Jacksonville, FL 32239-5118
3062394 +Comcast-PA, 1555 Suzy St., Lebanon, PA 17046-8318, Attn: Bankruptcy
3062395 +DSNB Citi Macy's, Po Box 8066, Mason, OH 45040-8066
3062396 +GC Collection Services, 6330 Gulfton, Houston, TX 77081-1108
3062398 +GEMB -Wal-Mart, Attn: Bankruptcy Dept., P.O. Box 103106, Roswell, GA 30076-9106
3062397 +GEMB Money Bank-JC Penney, Attn: Bankruptcy Dept., P.O. Box 103106, Roswell, GA 30076-9106
3062382 +GEMB/JC Penny, P.O. Box 981131, El Paso, TX 79998-1131
3062399 +Joan Ciotti, 175 S. Main St., Archbald, PA 18403-1734
3062400 +Kay Jewelers, P.O. Box 3680, Akron, OH 44398-0001
3062405 +Merrick Bank, P.O. Box 9201, Old Bethpage, NY 11804-9001
3062406 +Moses Taylor Hospital, 700 Quincy Ave., Scranton, PA 18510-1798
3062407 +North Star Capital Acqst., L, c/o Hayt, Hayt & Landau, LLC, Meridian Center I-PO Box 500,
Two Industrial Way West, Eatontown, NJ 07724-2265
3062408 PNC Bank, Consumer Loan Center, P5-PCLC-02-K, PO Box 747024, Pittsburgh, PA 15274-7024
3062409 +Portfolio Recovery Associate, P.O. Box 41067, Norfolk, VA 23541-1067
3062411 +Sallie Mae Servcing, P.O. Box 9500, Wilkes-Barre, PA 18773-9500
3062140 +UGI Penn Natural Gas, Inc., One UGI Center, Wilkes-Barre, PA 18711-0600
3062413 +Verizon, 3900 Washington Steet, Wilimington, DE 19802-2125

The following entities were served by electronic transmission on Aug 26, 2008.

tr +E-mail/Text: jdragas@pamdi3trustee.com Charles J. DeHart, III (Trustee),
8125 Adams Drive, Suite A, Hummelstown, PA 17036-8625
cr +EDI: RECOVERYCORP.COM Aug 26 2008 17:03:00 Recovery Management Systems Corporation,
25 SE 2nd Avenue, Suite 1120, Miami, FL 33131-1605
3062383 +EDI: AFNIRECOVERY.COM Aug 26 2008 17:03:00 AFNI, 404 Brock Dr., P.O. Box 3517,
Bloomington, IL 61702-3517
3062384 EDI: AFNIRECOVERY.COM Aug 26 2008 17:03:00 AFNI, P.O. Box 3427,
Bloomington, IL 61702-3427
3062385 +EDI: ARROW.COM Aug 26 2008 17:03:00 Arrow Financial Services, 5996 W. Touhy Ave.,
Niles, IL 60714-4610
3062386 +EDI: ARSN.COM Aug 26 2008 17:03:00 Associated Recovery Systems, P.O. Box 469046,
Escondido, CA 92046-9046
3062388 +EDI: HFC.COM Aug 26 2008 17:03:00 Boscov's, Retail Services, P.O. Box 15521,
Wilmington, DE 19850-5521
3062390 +EDI: CAPITALONE.COM Aug 26 2008 17:03:00 Capital One, P.O. Box 5155,
Norcross, GA 30091-5155, Attn: Bankruptcy Dept.
3062392 +EDI: CHASE.COM Aug 26 2008 17:03:00 Chase/Circuit City, P.O. Box 15678,
Wilmington, DE 19885-0001
3062393 EDI: CIAC.COM Aug 26 2008 17:03:00 Citifinancial, 11436 Cronhill Dr., Suite H,
P.O. Box 913, Owings Mills, MD 21117-0700
3062401 +EDI: RESURGENT.COM Aug 26 2008 17:03:00 LVNV Funding, 15 South Main St., Suite 700,
Greenville, SC 29601-2793
3062402 EDI: RESURGENT.COM Aug 26 2008 17:03:00 LVNV Funding, LLC, c/o Resurgent Capital Srvc.,
P.O. Box 10587, Greenville, SC 29603-0587
3062403 +EDI: RESURGENT.COM Aug 26 2008 17:03:00 LVNV Funding, LLC, P.O. Box 10497,
Greenville, SC 29603-0497
3068831 EDI: RECOVERYCORP.COM Aug 26 2008 17:03:00 Recovery Management Systems Corporation,
25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
3062410 +EDI: RESURGENT.COM Aug 26 2008 17:03:00 Resurgent Capital Services,, P.O. Box 10587,
Greenville, SC 29603-0587
3062412 +EDI: NEXTEL.COM Aug 26 2008 17:03:00 Sprint/Nextel, Attn: Bankruptcy, P.O. Box 172408,
Denver, CO 80217-2408
3062416 +EDI: WTRWFNNB.COM Aug 26 2008 17:03:00 WFNBNB-Express, Bankruptcy Dept., P.O. Box 182125,
Columbus, OH 43218-2125
3062415 +EDI: WTRWFNNB.COM Aug 26 2008 17:03:00 WFNBNB/Lane Bryant, Bankruptcy Dept.,
P.O. Box 182125, Columbus, OH 43218-2125
3062414 +EDI: PROVID.COM Aug 26 2008 17:03:00 Washington Mutual, P.O. Box 660509,
Dallas, TX 75266-0509

TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

3062404* +LVNV Funding, LLC, 15 South Main Street, Suite 700, Greenville, SC 29601-2793

TOTALS: 0, * 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0314-5
Case: 08-51934

User: PHartman
Form ID: B9I

Page 2 of 2
Total Served: 41

Date Rcvd: Aug 26, 2008

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 28, 2008

Signature: 

Afni, Inc.
404 Brock Drive
PO Box 3427
Bloomington, IL 61702-3427
www.afnicollections.com

SETTLEMENT OFFER

Save \$67.18 and settle your account today

We are making another attempt to contact you regarding your overdue account. In an effort to resolve this matter we will accept \$22.40, 25% of the current amount due. Once paid, our records will reflect the status of your account with Afni, Inc. as settled in full.

If you have any questions, please contact our office toll free at (866) 307-0283 Monday through Friday 7am - 9pm CST. For proper credit on your account please write this number 024487693-02 on your payment.

To manage your account online, visit us at www.afnicollections.com. You can login with your account number and last 4 digits of your Social Security number. You can pay securely online using your debit card, Visa®, MasterCard®, or checking account and have your receipt available online once your payment posts. Our records will reflect the status of your account with Afni, Inc. as settled in full.

Credit card payments by mail are also accepted. Credit card payment options are located on the back of the payment stub located at the bottom of this letter and can be mailed back inside the enclosed envelope.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. You have the right to inspect your credit. This letter is from a debt collector.

This account is for a remaining balance from the original creditor for services associated with the previous telephone number listed below.

Please retain this information for your records

Afni, Inc. Account #	Balance Due	Original Creditor	Disconnected Phone #	Date
024487693-02	\$89.58	Verizon Pennsylvania Inc.	(570)383-1928	2/10/2009

Detach along perforation and return bottom portion along with payment in the enclosed envelope. Credit card payment options are on the back of notice.



For proper credit, please include your Afni account # listed below on your check



AFN7V-0209E515670-QWSP-2 670

Department 555
PO BOX 4127
CONCORD, CA 94524



Afni, Inc. Account #: 024487693-02
Original Creditor: Verizon Pennsylvania Inc.
Disconnected Phone #: (570)383-1928
Date: 2/10/2009
Toll Free: (866) 307-0283

Discounted Amount Due: \$22.40

Address Service Requested

#BWNFTZF #AFN3009054409023#



LISA MANCHAK
118 4TH ST
BLAKELY PA 18447-1019

PO Box 3427
Bloomington, IL 61702-3427



Exhibit "B"

PRIVACY STATEMENT

Your account has been acquired by Afni, Inc. As required by federal law, Afni wants to inform you of how we will handle confidential information we obtain about you. The privacy policies and practices described in this notice will apply to current as well as former account holders.

Information We Collect

Afni, Inc. may collect non public personal information about you from:

- The original creditor
- consumer reporting agencies; and
- other parties for the purposes of acquiring location information as provided for by the Fair Debt Collection Practices Act, 15 USC §1692 et seq.



Information We Disclose

We do not disclose any nonpublic personal information about you to anyone, except as provided for by the Fair Debt Collection Practices Act, 15 USC §1692 et seq. and the Fair Credit Reporting Act, 15 USC §1681 et seq.

Security

Afni, Inc. restricts access to nonpublic personal information about you to those employees who need to know that information to process this account. Afni, Inc. maintains physical, electronic and procedural safeguards that comply with federal regulations to guard your non public personal information.

AFN7V-0209E515670-QWSP-2 670

If you wish to pay by credit card: ☐ Visa®  ☐ MasterCard® 
Account Number _____ 3 Digit Code _____
Expiration Date _____ Payment Amount \$ _____
Name of Card Holder _____
Signature of Card Holder _____

Different Credit Card Billing Address? ☐ Yes ☐ No If YES, please provide information below:

Address _____
City _____ State _____ Zip _____